

Application No.: 09/630,413

Docket No.: 00-VE12.24

REMARKS

Claims 1-19, 21-33, 35-40, 42-44, and 46 are pending and rejected by the non-final Office Action having mailing date of July 12, 2005. Claims 36 and 43 have been amended. No claims have been cancelled and no new matter has been added by way of this amendment. Thus, claims 1-19, 21-33, 35-40, 42-44, and 46 are currently pending. Applicants respectfully request favorable reconsideration of the present application in view of the amendments and remarks.

Claim Rejections – 35 U.S.C. § 103

The prior art of record does not teach "a controller ... to selectively activate the first and second selectably-activated loopback circuits individually and simultaneously."

Claims 1-19, 21-23, 35-40, 42-44 and 46 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Barton* (U.S. 5,343,461) in view of *Gewin* (U.S. 5,060,226) and various other references as applicable. Applicants respectfully traverse.

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); M.P.E.P. § 2143.03.

Independent claims 1 and 22 recite a repeater for interfacing between a digital service network and a local network span comprising, amongst other things, a controller coupled with the first and second selectably-activated loopback circuits configured to selectively activate the first and second selectably-activated loopback circuits individually and simultaneously. By virtue of their dependency on independent claims 1 and 22, dependent claims 2-19, 21 and 23-35 also include this limitation.

Page 17, lines 6-14 of the specification are reproduced below for the purpose of describing how the first and second loopback circuits are selectably activated individually and simultaneously in one exemplary non-limiting embodiment:

"Both local and remote control of the loopback circuits are contemplated within the scope of the present invention. Local control is provided through a push button switch 346, or other multiposition switch, which signals the controller 340 to loop-up or loop-down the appropriate loopback circuitry. In at least one embodiment, a technician at the repeater pushes the button

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once to loop towards the DSX-1 network; a second push of the button loops towards the local T1 span. In this configuration, loopbacks in both directions are simultaneously available to enable testing of network segments from the point of demarcation or CPE as well as from the DSX-1 interface or even the central office (see Fig. 1). A third push of the button loops down both circuits". (See page 17, lines 6-14; Fig. 3 of Applicants' specification)

As the Examiner concedes on page 3, lines 12-14 of the Office Action, *Barton* does not teach a second selectively-activated loopback circuit, or a controller to activate the second loopback circuit and controller to activate the first and second loopbacks simultaneously.

To allegedly cure the deficiencies of *Barton*, the Examiner relies upon *Gewin*. But, *Gewin* also fails to teach two loop circuits that are "selectively activated individually and simultaneously", as recited in independent claims 1 and 22. *Gewin* teaches a master test unit capable of sending and receiving test data is configured at a selected point within the network in combination with a plurality of remotely addressable field loopback units, also located at selected points within the network (Col. 2, lns. 41-46). When a field unit is activated, it assumes the loopback mode wherein all data received is echoed back to the transmitting master unit. This loopback occurs in parallel on both the near and far sides of a given loopback unit; thus it is possible to simultaneously test the line on both sides of a given loopback unit, provided there is present an additional master unit located at the far side of the given loopback unit (Col. 3, lns. 8-16). Thus, *Gewin* teaches that both the near and far side loopback circuits are activated simultaneously rather than being *selectably activated individually and simultaneously* as according to independent claims 1 and 22.

Whether standing alone or in combination, the cited references do not teach or suggest a repeater for interfacing between a digital service network and a local network span comprising, amongst other things, a controller coupled with the first and second selectably-activated loopback circuits configured to selectively activate the first and second *selectably-activated loopback circuits individually and simultaneously*. Accordingly, independent claims 1 and 22, as well as dependent claims 2-19, 21 and 23-35, are patentable. As such, Applicants respectfully request that this rejection be withdrawn.

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Independent claims 36 and 43 have been amended to include the limitation of "a controller coupled with the first and second selectably-activated loopback circuits configured to selectively activate the first and second *selectably-activated loopback circuits individually and simultaneously*." As such, the foregoing remarks regarding the patentability of claims 1-19, 21-33, 35-40, 42-44 and 46 are equally applicable to independent claims 36 and 43 and their respective dependent claims. Therefore, for at least the above-stated reason, all of the pending claims are allowable over the cited prior art.

Additional reasons for allowability of Claims 4, 22-33 and 35.

Claims 4, 22-33 and 35 are allowable for additional reasons than that set forth above. Dependent claim 4 recites a repeater for interfacing between a digital service network and a local network span comprising the limitations of, amongst other things, "wherein the third transmission path further comprises the first signal regenerator when the first selectably-activated loopback circuit is activated; and the fourth transmission path further comprises the second signal regenerator when the second selectably-activated loopback circuit is activated." Independent claim 22 recites a terminal extension repeater comprising the limitations of, amongst other things, "a first selectably-activated loopback circuit which, when activated, loops the first regenerated signal to the second output port; a second selectably-activated loopback circuit which, when activated, loops the second regenerated signal to the first output port; and a controller coupled with the first and second selectably-activated loopback circuits configured to selectively activate the first and second selectably-activated loopback circuits individually and simultaneously." Claims 23-33 and 35 depend from claim 22 and therefore include the foregoing limitations of claim 22. Applicants submit that the arguments applicable to claim 22 below are equally applicable to dependent claim 4.

As noted above, claim 22 recites the limitations of, "a first selectably-activated loopback circuit which, when activated, loops the first regenerated signal to the second output port," and "a second selectably-activated loopback circuit which, when activated, loops the second regenerated signal to the first output port."

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On page 7, lines 1-3 of the Office Action it is admitted that *Barton* does not teach, amongst other things, a second loopback circuit. Although *Gewin* teaches first and second loopback circuits, it does not teach “a first selectably-activated loopback circuit which, when activated, loops the first regenerated signal to the second output port;”, and “a second selectably-activated loopback circuit which, when activated, loops the second regenerated signal to the first output port.” To allegedly cure the deficiencies of *Barton* and *Gewin*, the Examiner relies on *Garcia* (US 5,224,149).

It is asserted on page 7, lines 9-10 of the Office Action that *Garcia*, “teaches a second signal regenerator coupled between second input and output (regenerator 64 on Fig. 1 and 2, 4:37-49).” Applicants agree. However, contrary to the limitations of claim 22, *Garcia* does not teach a second selectably-activated loopback circuit which, when activated, loops the second regenerated signal to the first output port. *Garcia* only teaches a single loopback line 66 that loops a signal received from the central office 12 back to the central office 12. The loopback path includes regenerators 62 and 64 which operate to regenerate the received signal as it looped from the first input 18 to the second output 26 (See FIGs. 1 and 2; col. 4, lns. 50-54). There is no teaching of a second regenerated signal being looped to the first output port 20 of repeater 22. It is understood that in order to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. The cited references do not teach the foregoing limitations of independent claim 22. Accordingly, claims 4, 22-33 and 35 are patentable for at least this additional reason.

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CONCLUSION

Reconsideration and allowance of the pending claims are respectfully requested. In view of the foregoing remarks, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 07-2347, under Order No. 00-VE12.24 from which the undersigned is authorized to draw. To the extent necessary, a petition for extension of time under 37 C.F.R. §1.136 is hereby made, the fee for which should also be charged to this Deposit Account.

Dated: October 12, 2005

Respectfully submitted,

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